

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

EDMONDS SMOKE SHOP, LLC, et
al.,

Defendants.

CASE NO. C23-0316JLR

ORDER DENYING THIRD
MOTION FOR AN EXTENSION
OF TIME TO

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") third motion for an extension of time to perfect service. (Mot. (Dkt. # 13); *see* 6/7/23 Order (Dkt. # 7) (finding that GS Holistic had not demonstrated good cause for its failure to serve Defendants before the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m) but nevertheless granting a 60-day extension of the service deadline); 8/8/23 Order (Dkt. # 12) (denying GS Holistic's second motion for an extension of time for failure to comply with the court's Local Civil Rules).) The court DENIES GS Holistic's motion.

1 Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a
2 summons and a copy of the complaint and sets forth the specific requirements for doing
3 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
4 must be effectuated, states in relevant part:

5 If a defendant is not served within 90 days after the complaint is filed, the
6 court—on motion or on its own after notice to the plaintiff—must dismiss
7 the action without prejudice against that defendant or order that service be
made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

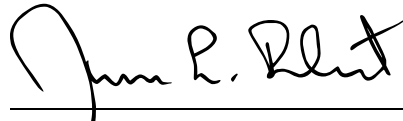
8 *Id.*

9 GS Holistic filed this action on March 6, 2023. (Compl. (Dkt. # 1).) As a result,
10 Rule 4(m)’s 90-day deadline for effectuating service of process expired on Monday, June
11 5, 2023. Fed. R. Civ. P 4(m). On June 7, 2023, the court granted GS Holistic’s first
12 motion for a 60-day extension of the deadline to serve Defendants Edmonds Smoke
13 Shop, LLC and Iram Pasha (together, “Defendants”), despite finding that GS Holistic had
14 not demonstrated good cause for its failure to effectuate service before the Rule 4(m)
15 deadline. (6/7/23 Order at 2-3.) The court ordered GS Holistic to file proof of service on
16 Defendants by no later than August 4, 2023, and warned GS Holistic that (1) failure to do
17 so could result in dismissal without prejudice of its claims against Defendants and
18 (2) further extensions of the deadline to serve Defendants would not be granted absent
19 exceptional circumstances. (*Id.* at 3.) GS Holistic filed an affidavit of service on
20 Edmonds Smoke Shop, LLC, on June 19, 2023, and the Clerk entered default as to that
21 Defendant on August 8, 2023. (Aff. (Dkt. # 8); Default (Dkt. # 11).)
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1 The court has reviewed the materials that GS Holistic filed in support of its third
2 motion for an extension of time to perfect service and concludes that GS Holistic has not
3 established exceptional circumstances, let alone good cause, that would justify a further
4 extension of time. (*See* 6/7/23 Order); Fed. R. Civ. P 4(m). First, GS Holistic names two
5 different Defendants in its motion: Yasir Shammar and Iram Pasha. (*See* Mot. at 1-2.)
6 Only Mr. Pasha, however, has been named as a Defendant in this action. (*See* Compl.)
7 Second, GS Holistic states that it attached an affidavit of non-service on Mr. Pasha and
8 an email from its process server to its motion. (Mot. at 2.) The attached exhibit,
9 however, includes an email thread that does not mention this case and, in fact, appears to
10 relate to at least one other case. (*See id.*, Ex. A.) The exhibit also does not include an
11 affidavit of non-service. (*Id.*)

12 The court cannot conclude, based on these submissions, that an extension of the
13 deadline to perfect service is warranted. Accordingly, the court DENIES GS Holistic's
14 third motion for an extension of time (Dkt. # 13) and DISMISSES GS Holistic's claims
15 against Defendant Iram Pasha without prejudice for failure to effect timely service
16 pursuant to Federal Rule of Civil Procedure 4(m).

17 Dated this 16th day of August, 2023.

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19 
20 JAMES L. ROBART
21 United States District Judge
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